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June 24, 2002

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OUR FILE NO.
21279-00100

JUN 24 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
c/o Vistronix, Inc.
236 Massachusetts Avenue, NE, Suite 110
Washington, DC 20002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Petition for Rule Making
Grant County Broadcasters
Hyannis, NE
Channel 250C1

Dear Ms. Dortch:

Transmitted herewith, on behalf of Grant County Broadcasters, are an original and four copies of a **PETITION FOR RULE MAKING**, requesting the allocation of Channel 250C1 to Hyannis, Nebraska.

Should further information be necessary regarding this submission, kindly communicate directly with this office.

Sincerely,


John M. Pelkey

JMP/cl

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02-155

Before The
Federal Communications Commission

Washington, D.C. 20554

In re Amendment of
Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Hyannis, NE

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

To: Assistant Chief, Audio Division

Petition for Rule Making

Grant County Broadcasters ("GCB"), pursuant to Sections 1.401 and 1.420 of the Commission's rules and by its attorneys, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's rules, the Table of FM Allotments. Specifically, GCB requests that the Table of FM Allotments be amended so as to allocate Channel 250C1 to Hyannis, Nebraska, as that community's first broadcast channel. In support of this Petition, the following is stated:

I. Hyannis, Nebraska, is a Community in Need of a Broadcast Facility.

Hyannis, Nebraska, which was founded in 1887, is an incorporated community with a population of 287 persons according to the 2000 U.S. census. It is governed by a Village Board under the leadership of Chairman Max Boots. Merlin Ring,

Steve Clarke, Steve Ash, and Twyla Thurston are the other members of the Village Board. Cheryl Anderson is Village Clerk.

Hyannis has its own post office with its own zip code, 69350. It is also the county seat of Grant County, Nebraska, which has a population of 747 persons. As befits its status as the county seat, Hyannis is the locus of the Grant County Courthouse. Both the Grant County Court and the State of Nebraska's 16th District sit in Hyannis. The Grant County Sheriff also maintains its office there. Hyannis is home to numerous businesses, including two banks, a grocery store, a veterinary service, a lumber yard, a family doctor and a newly-remodeled hotel, the Hyannis Hotel, which was built in 1898 and which has been placed on the National Register of Historic Places. Hyannis also boasts a local newspaper, *The Grant County News*. Educational needs of the community are met by Hyannis Elementary School and Hyannis High School.

Despite Hyannis's status, no broadcast facilities of any type are allocated to the community. Allocation of Channel 250C1 would remedy this deficiency.

II. Allocation of Channel 250C1 to Hyannis, Nebraska, can be accomplished in Accordance with the Commission's Technical Requirements for New Allocations.

Allocation of Channel 250C1 to Hyannis can be accomplished in complete accordance with the Commission's rules governing allocations. Specifically, as the attached spacing study¹ demonstrates, the proposed allocation meets all spacing requirements from the community's reference coordinates of 42°, 00', 02" NL; 101°, 45',

¹ See Exhibit 1.

41” WL. In addition, as is depicted on the attached coverage map,² city-grade coverage would be achieved over all of Hyannis from those reference coordinates.

III. Allocation of Channel 250C1 to Hyannis would be in the Public Interest.

The allocation of Channel 250C1 to Hyannis would be in the public interest. The proposal would permit Hyannis, the county seat of Grant County, to receive its first local broadcast service, thereby serving the highest of the Commission’s allocation priorities:

[T]here are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local service is the highest of our allotment priorities which remains in any significant degree unsatisfied.

Amendment of the Commission’s Rules Regarding Modification of FM and TV

Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7096 (1990).³

IV. If Channel 250C1 is Allocated to Hyannis, GCB Will Apply for Facilities to Operate on the Channel and, if such Application is Granted, will Construct Such Facilities.

As required by the Commission, GCB hereby commits to apply for an authorization to construct the requisite facilities on Channel 250C1 at Hyannis if the allocation is adopted by the Commission. In addition, GCB commits to construct those facilities if awarded such construction permit.

² See Exhibit 2.

³ As the Commission explained in *Revision of FM Assignment Policies and Procedures*, the FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters (with co-equal weight being given to priorities (2) and (3)). 90 FCC2d 88, 91 (1982).


Conclusion

As has been demonstrated above, allocation of Channel 250C1 to Hyannis, Nebraska, would be in the public interest inasmuch as it would allow the community to enjoy its first local transmission service. Accordingly, GCB respectfully request that the Table of FM Allotments be amended as follows:

Community	Present Allotment	Proposed Allotment
Hyannis, Nebraska	- -	250C1

Respectfully submitted,

Grant County Broadcasters

By: 
John M. Pelkey
Its Attorney

Garvey, Schubert & Barer
5th Floor, 1000 Potomac Street, N.W.
Washington, DC 20007

202/965-7880

Date: June 24, 2002

Exhibit 1

Spacing Study

Alloc
Hyannis NE

REFERENCE		CLASS = C1	DISPLAY DATES
42 00 02 N		Current Spacings	DATA 04-23-02
101 45 41 W			SEARCH 06-11-02
----- Channel 250 - 97.9 MHz -----			

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.				HAAT		
KLMP	LIC 250C1	Rapid City	SD	257.41	332.6	245.0	12.41
44 02 46	103 14 41	HN	100.000 kW		119 M		
		Bethesda Christian Broadca	BLH6472				
KLMP.C CP	250C	Rapid City	SD	308.69	327.7	270.0	38.69
44 19 42	103 50 03	CX	100.000 kW		579 M		
		Bethesda Christian Broadca	BPH20010306ABY				
KIGN	LIC 250C1	Cheyenne	WY	288.62	250.7	245.0	43.62
41 06 01	105 00 23	CN	100.000 kW		165 M		
		Citicasters Licenses, Inc.	BLH19800229AD				
KWGB	LIC 250C1	Colby	KS	290.39	176.6	245.0	45.39
39 23 24	101 33 35	C	100.000 kW		216 M		
		Melia Communications Inc	BLH19981216KD				
KQSK	LIC 248C1	Chadron	NE	131.17	303.0	82.0	49.17
42 38 06	103 06 12	CN	100.000 kW		256 M		
		Eagle Radio, Inc.	BLH19790910AA				
KIGN.C CP	250C1	Cheyenne	WY	312.01	247.9	245.0	67.01
40 53 42	105 11 38	CN	100.000 kW		247 M		
		Citicasters Licenses, Inc.	BPH19981207IC				

Exhibit 2

City-grade Coverage

Alloc 250C1 - Hyannis, NE
Hypothetical City-grade coverage
Coords: 42-00-02~101-45-41

